

GALLATIN COUNTY CLERK  
OF DISTRICT COURT  
MONTANA EIGHTEENTH JUDICIAL DISTRICT, JEROME, GALLATIN COUNTY

THE STATE OF MONTANA,  
Plaintiff,  
v.

NOV 17 2014 PM 5 09

WADE DARRELL LUNNISS,  
Defendant.  
\*\*\*\*\*

SENTENCING ORDER

BY

DEPUTY

On March 17, 2014, the above-named defendant appeared for sentencing. It is the order and sentence and judgment of this Court as follows:

1. **FOR COUNT 1:** Insurance Fraud/Theft, a Misdemeanor, in violation of §33-1-1202, 1; §33-1-1211, 2; §45-6-301, 6A, MCA.

☐ The imposition of sentence is **Deferred** for a period of \_\_\_\_ year(s) on conditions.

☒ The defendant is sentenced to the **Gallatin County Detention Center** for a period of \_\_\_\_ months 117 days.

☐ The Court finds the defendant ineligible for participation in the County Work Program.

☐ The Court suspends \_\_\_\_ months \_\_\_\_ days of the sentence on conditions.

**2. CONDITIONS**

The Court orders the following conditions of the order deferring imposition of sentence/suspended portion of the sentence:

☐ The defendant shall pay a fine in the amount of \$\_\_\_\_\_.

☐ The defendant shall pay all financial obligations as required in this Order.

☐ The defendant shall be placed under the supervision of the Gallatin County Misdemeanor Probation Office. The defendant shall sign a probation agreement and shall abide by the terms and conditions of that agreement. The defendant shall pay the monthly supervision fee to the Gallatin County Office of Pretrial Services. The defendant shall immediately upon conclusion of Court report to the Office of Pretrial Services, 1709 West College, Bozeman Montana.

☐ The defendant's person, residence and vehicle shall be subject to warrantless searches at any time, day or night, by a misdemeanor probation officer, police officer, or other lawful authority acting under the direction of the probation officer, to assess compliance with the rules of probation. If the defendant resides with other persons, all places in the defendant's residence where the defendant has access are subject to search, even those private rooms of other persons with whom the defendant resides, unless those rooms are locked and the defendant does not have access to those rooms.

☐ The defendant shall not use or possess alcohol or illegal drugs,

(unless prescribed by a licensed physician) nor shall the defendant enter or seek employment at any establishment where alcohol is the chief item of sale.

- ☐ The defendant shall obey all state, federal and local laws.
- ☐ The defendant shall serve \_\_\_\_ days on house arrest as approved by the Gallatin County Office of Pretrial Services.
- ☐ The defendant shall serve \_\_\_\_ days in the Gallatin County Detention Center.
- ☐ The Court finds the defendant ineligible for participation in the County Work Program.
- ☐ The defendant shall perform \_\_\_\_ hours of community service as approved by: \_\_\_\_ the defendant's probation officer or \_\_\_\_ the Gallatin County Community Service Program and follow the rules and pay the fees of that Program. The following special requirements for community service shall apply \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ The defendant shall successfully complete the Gallatin County Re Entry Program.
- ☐ The defendant shall successfully complete the Treatment Court Program
- ☐ The defendant shall complete an anger management assessment and follow all recommendations of the counselor. The defendant shall participate in a minimum of 40 hours of counseling.
- ☐ The defendant shall pay for and successfully complete the ACT program.
- ☐ The defendant shall attend the Victim Impact Panel.
- ☐ The defendant shall complete a dangerous drug information course offered by a chemical dependency facility approved by the Department of Health and Human Services. (**Misdemeanor Drug Offenses Only**)
- ☐ The defendant shall undergo chemical dependency treatment if a licensed counselor recommends treatment.
- ☐ The defendant shall not operate a motor vehicle unless legally licensed to drive.
- ☐ The driver's license of the defendant shall be revoked for a period of one year.
- ☐ For one year following the reinstatement of defendant's license, the defendant shall have all vehicles owned at the time of the offense equipped with an ignition interlock system. (**Mandatory on 2<sup>nd</sup> or subsequent DUI Offenses**)

- ☐ The defendant shall enter and remain in an aftercare treatment program for the entirety of the probationary period.
- ☐ The defendant shall submit to random or routine drug or alcohol testing.
- ☐ The defendant shall not obtain a medical marijuana card.
- ☐ The defendant shall not become a medical marijuana caretaker.
- ☐ Other: \_\_\_\_\_

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**3. ADDITIONAL COUNTS:**

**FOR COUNT 2:**, a Misdemeanor, in violation of §, MCA.

- ☐ The imposition of sentence is **Deferred** for a period of \_\_\_\_ year(s) on conditions set forth under count \_\_\_\_.
- ☐ With additional condition(s).
- ☐ The defendant is sentenced to the **Gallatin County Detention Center** for a period of \_\_\_\_ months \_\_\_\_ days.
- ☐ The Court finds the defendant ineligible for participation in the County Work Program.
- ☐ The Court suspends \_\_\_\_ months \_\_\_\_ days.

**Additional Conditions:**

The Court orders the following additional conditions of the order deferring imposition of sentence/suspended portion of the sentence:

- ☐ The defendant shall pay a fine in the amount of \$\_\_\_\_\_.
- ☐ The defendant shall complete an anger management assessment and follow all recommendations of the counselor. The defendant shall participate in a minimum of 40 hours of counseling.
- ☐ The defendant shall pay for and successfully complete the ACT program.

- ☐ The defendant shall attend the Victim Impact Panel.
- ☐ The defendant shall complete a dangerous drug information course offered by a chemical dependency facility approved by the Department of Health and Human Services. (**Misdemeanor Drug Offenses Only**)
  - ☐ The defendant shall undergo chemical dependency treatment if a licensed counselor recommends treatment.
- ☐ The defendant shall pay restitution in the amount of \$\_\_\_\_\_.
- ☐ Other: \_\_\_\_\_

- ☐ Additional Counts are included and incorporated in this sentence as set forth in Appendix A

The Sentences under Counts \_\_\_\_\_ shall each be served

- ☐ consecutively \_\_\_\_\_
- ☐ concurrently \_\_\_\_\_
- ☐ \_\_\_\_\_

#### 4. RESTITUTION:

- ☐ The defendant shall pay restitution in the amount of \$\_\_\_\_\_ as outlined in **Exhibit A**. The Defendant shall pay a restitution fee (10% of restitution) in the amount of \$\_\_\_\_\_. Payment shall be made to the Department of Corrections in accordance with Section 46-18-244, MCA.
- ☐ (**Misdemeanor cases**) The defendant shall pay restitution in the amount of \$\_\_\_\_\_ as outlined in **Exhibit A**. The Defendant shall pay a restitution fee (10% of restitution) in the amount of \$\_\_\_\_\_. Payment shall be made as set forth in the financial obligation section of this order.
- ☐ Pursuant to §46-18-241(2)(a), MCA, the restitution fee is waived.
- ☐ The defendant shall be given credit for any amounts previously paid.
- ☐ The defendant shall be given credit for any amounts previously paid.
- ☐ The defendant shall pay the following:
  - ☐ Assigned counsel fee (not to exceed \$150.00 for Misdemeanor cases) \$\_\_\_\_\_
  - ☐ Assigned counsel fee (jury trial) \$\_\_\_\_\_
- ☒ Pursuant to §46-18-113(3), MCA, assigned counsel fee is waived.
- ☐ The Defendant shall pay the assigned counsel fee to the office of the State Public Defender.
  - ☐ The Defendant shall pay \$\_\_\_\_\_ on or before \_\_\_\_/\_\_\_\_/\_\_\_\_ or by \_\_\_\_\_.
  - ☐ The defendant shall be allowed time payments in the amount of \$\_\_\_\_\_.00 per month beginning on \_\_\_\_/\_\_\_\_/\_\_\_\_ or sixty days following the Defendant's release from custody, whichever comes first. Payments are due the first of each month thereafter until the total is paid

#### 5. FINANCIAL OBLIGATIONS

- ☐ The Defendant shall receive credit applied towards fine(s) for time served in pretrial incarceration at the rate of \$123.43 per day.

( \_\_\_\_ ) day(s) x \$123.43 = Total credit \$ \_\_\_\_\_

☐ The Defendant shall pay the following:

Administrative Fees (\$15 per misdemeanor offense; the greater of \$20 or 10% of fine per each felony count)	\$ <u>15</u>
Victim Witness Fees (\$50 per offense)	\$ <u>50</u>
User surcharges (\$10 per offense)	\$ <u>10</u>
Prosecution Fee (\$100 for felony case)	\$ _____
Fines (Less Total Credit for time Served)	\$ _____
Restitution ( <del>misdemeanor case only</del> )	\$ _____
Restitution fee ( <del>misdemeanor case only</del> )	\$ _____
Total Financial obligation of the Defendant	\$ <u>75</u>

☐ Pursuant to §46-18-236(2), MCA administrative fee, victim witness fee and user surcharge are waived.

☒ The Defendant shall pay the financial obligation of \$ \_\_\_\_\_ to the Clerk of the District Court, Eighteenth Judicial District, 615 South 16th Avenue, Bozeman, Montana 59715.

☒ The defendant shall pay \$ 75 on or before 3/17/15 or by \_\_\_\_\_.

☐ The defendant shall be allowed time payments in the amount of \$ \_\_\_\_\_.00 per month beginning on \_\_\_\_/\_\_\_\_/\_\_\_\_ or sixty days following the Defendant's release from custody, whichever comes first. Payments are due the first of each month thereafter until the total is paid.

#### 6. FORFEITURE

☐ Pursuant to §45-9-206, MCA, property consisting of: \_\_\_\_\_  
shall be forfeited to the Missouri River Drug Task Force and disposed of in accordance with the provisions of §44-12-205, and 44-12-206, MCA.

☐ Pursuant to §61-8-733, MCA, the defendant's vehicle shall be seized and subject to forfeiture as provided in §61-8-421, MCA.

#### 7. ADDITIONAL TERMS:

☐ Other conditions imposed pursuant to §46-18-202, MCA: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ The defendant shall attend and successfully complete a sexual offender treatment program approved by the Montana Sexual Offender Treatment Association. If incarcerated at Montana State Prison the defendant shall successfully complete Phases I and II of the Sex Offender Treatment Program prior to being eligible for parole.

X The defendant shall receive credit for 117 day(s) previously served.

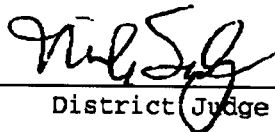
Bond, if any, posted by or on behalf of the defendant, is exonerated and shall be released.

If a felony, the reasons for the court's sentence are found in a separate document in the court file.

The Clerk shall distribute restitution to the victim(s) as set forth in the Pre-Sentence Investigation Report.

If, either party believes that the written Judgment filed herein does not conform to the oral pronouncement of this Court at the time of sentencing, either the Defendant or the State may request a hearing to modify the written, filed Judgment. **This request must be made by either the State or the Defendant within 120 days of the filing of the written Judgment.** In the event such request is made, a hearing will be held to consider the motion at which the Defendant must be present unless Defendant waives the right to be present. If no request for modification is filed by either the State or the Defendant within 120 days, the right to a modification hearing shall be waived.

DATED March 17, 2014.

  
District Judge

cc:

✓ Gallatin County Attorney  
✓ Records Dept of the Gallatin County Sheriff & Bozeman Police Department  
~~Detective, MRDYE (Drug cases only)~~  
✓ Defense Attorney, Andy Brauner  
✓ Gallatin County Detention Center  
~~Dept. of Motor Vehicle, Driver Control, Box 201430, Helena, MT 59620-430~~  
~~(Attach copy of citation)~~  
✓ Clerk of District Court, Restitution Officer  
~~Sexual and Violent Offender Registry~~  
✓ Evidence  
✓ Misdemeanor Sentencing  
E-mailed 3/18/14